

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2784-2022

DATE OF DECISION: JULY 20, 2022

RASLEEN KAUR

...PETITIONER

VERSUS

KULBIR SINGH AHUJA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SANDEEP ARORA, ADVOCATE FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

Rasleen Kaur has preferred this revision petition challenging the order dated 18.5.2022, passed by the Addl. Principal Judge, Family Court, Yamuna Nagar at Jagadhari, whereby her application seeking amendment of the written statement was dismissed.

Learned counsel for the petitioner has argued that the respondent, namely, Kulbir Singh has filed a divorce petition under Section 13(1)(ia)(ib), Hindu Marriage Act, 1955 for dissolution of marriage on the ground of desertion and in response to the said petition written statement was filed on behalf of the defendant-petitioner. He submits that certain important facts were not mentioned in the written statement and in order to incorporate those relevant pleadings, the petitioner moved an application seeking to amend para 4 of the written statement by adding the facts relating to the invitation card, roka ceremony and marriage function and above all, the expenditure incurred by the defendant's parents. He submits that in case the amendment is allowed, no prejudice would be caused to the other side.

He prays that the impugned order be set aside and the application for

amendment be allowed.

After hearing learned counsel and considering the application filed by the petitioner under Order 6 Rule 17 CPC seeking amendment of the written statement, this Court is of the opinion that the facts sought to be incorporated in the written statement relate to the ceremonies and functions of marriage, whereas the divorce petition is founded on the ground of desertion. These pleadings contained in application for amendment are apparently matter of evidence, and it is settled law that evidence is not to be elaborated by way of averments.

Further, it is also mentioned in the application that after framing of issues, the husband-petitioner has adduced his evidence also, therefore, this Court finds that the amendment sought to be incorporated is neither just nor necessary.

Thus, the impugned order does not suffer from any illegality or impropriety. Resultantly, no case is made out for interference by this Court.

Petition is dismissed.

July 20, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No